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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/082,757

02/25/2002

Bradley P. Tice

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05/03/2006

MCKEE, VOORHEES & SEASE, P.L.C.

801 GRAND AVENUE

SUITE 3200

DES MOINES, IA 50309-2721

EXAMINER

LE, LINH GIANG

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/082,757 | Applicant(s) TICE ET AL. | |
| | Examiner Linh-Giang Le | Art Unit 3626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>022502</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. The communication is in response to the application filed 25 February 2002.

Claims 1-71 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Rovinelli (US 2001/0001852 A1).

4. As per claim 1, Rovinelli teaches a system for patient intervention assistance (Rovinelli; Abstract) comprising:

(a) a personal computing device including an input component allowing input of data to the personal computing device, a display; and a storage medium for storing data (Rovinelli; Figs. 15-17);

(b) software operably loaded on the personal computing device which (Rovinelli; Pg. 7, Para. 104):

- (i) presents on the display a set of queries related to a patient intervention (Rovinelli; Pg. 7; Para. 104);
- (ii) presents on the display prompts to enter answers to the queries (Rovinelli; Pg. 7; Para. 104); and
- (iii) automatically creates documentation of a patient intervention based on the queries and the answers (Rovinelli; Pg. 7; Para. 106).

5. As per claim 2, Rovinelli teaches further comprising a plurality of computing device each having the software operably loaded thereon (Rovinelli; Pg. 7; Para. 104).

6. As per claim 3, Rovinelli teaches further comprising a component operatively connected to the computing device to facilitate communication with another device (Rovinelli; Para. 417 and Figs. 15-17).

7. As per claim 4, Rovinelli teaches wherein the said another device comprises one or more of a personal computer, a local server, or a remote server (Rovinelli; Figs. 15-17).

8. As per claim 5, Rovinelli teaches wherein the computing device is a PDA (Rovinelli; Pg. 27, Para. 422).

9. As per claim 6, Rovinelli teaches wherein the PDA includes a component adapted to synchronize data with another computing device (Rovinelli; Pg. 27, Para. 422).

10. As per claim 7, Rovinelli teaches wherein the computing device is a hand-held computer (Rovinelli; Pg. 27, Para. 422).

11. As per claim 8, Rovinelli teaches the queries are questions presented in templates, the queries comprising relevant questions regarding patient intervention (Rovinelli; Pg. 7, Paras. 104-106).

12. As per claim 9 Rovinelli teaches wherein the prompts include one or more of pull down lists, drop down menus, or other pre-created choices, and/or blanks into which can be filled free text (Rovinelli; Pg. 27, Paras. 418 and 422). Examiner interprets a display interface for most conventional hand-held devices to include menus that can be filled free text.

13. As per claim 10, Rovinelli teaches wherein the automatic creating of documentation comprises a database into which can be stored documentation data in a pre-designed format (Rovinelli; Pg. 22, Para. 364).

14. As per claim 11, Rovinelli teaches wherein the data can be synchronized with a database in another computing device (Rovinelli; Pg. 27, Para. 422).

15. As per claim 12, Rovinelli teaches wherein the database can be accessible by another

authorized party (Rovinelli; Pg. 7, Para. 105 and 106).

16. As per claims 13 and 14 Rovinelli teaches wherein the said another authorized party comprises a preceptor or a teacher(Rovinelli; Pg. 7, Para. 106). Examiner interprets that in a computer-based testing and recertification system test results could be accessible by a preceptor or a teacher in order for the physician to receive appropriate feedback (Rovinelli; Pg. 7, Para. 106).

17. As per claim 15, Rovinelli teaches further at least some of the queries being based on a knowledge base for a specific disease or condition (Rovinelli; Pg. 3, Para. 32).

18. As per claim 16, Rovinelli teaches wherein the knowledge base comprises recommended guidelines which are updateable by periodic updating of the software (Rovinelli; Pg. 7, Para. 104-106).

19. As per claim 17, Rovinelli teaches wherein the knowledge base is specific to a specific disease or condition (Rovinelli; Pg. 3, Para. 32).

20. As per claim 18, Rovinelli teaches wherein the form of documentation includes in the form of a SOAP note (Rovinelli; Pg. 7, Para. 104-106)..

Art Unit: 3626

21. As per claim 19, Rovinelli teaches wherein the patient intervention is related to drug treatment or therapy by a pharmacist or pharmacy student (Rovinelli; Pg. 26, Para. 412).

22. As per claims 20 and 21, Rovinelli teaches wherein the software further allows evaluation of a patient intervention by applying a score to the answers to queries and wherein the score for an answer to a query is weighted on the basis of the cognitive ability indicated by the answer relative to the query (Rovinelli; Pg. 22, Paras. 361 and 364).

23. As per claims 22-25 teaches wherein:
the weighting is pre-created by an expert in the field of the patient intervention;
the expert comprises a skilled person in the field of the patient intervention;
the expert comprises a preceptor in the field of the patient intervention; and
the expert comprises a panel of experts in the field of the patient intervention
(Rovinelli; Paras. 20 and 21).

24. Claims 26-71 repeat limitations recited in claims 1-25 and the reasons for rejection are incorporated herein.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches a method and apparatus for collecting patient compliance data including processing and display thereof over a computer network (US 2002/0013516); a system and method for

Art Unit: 3626

collection, distribution, and use of information in connection with health care delivery (US 2002/0078220); and a methods and apparatus for acquiring and using bedside medical data (US 2002/147390).

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh-Giang Michelle Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Application/Control Number: 10/082,757
Art Unit: 3626

Page 8



C. LUKE GILLIGAN
PATENT EXAMINER